

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN THE MATTER OF: 2023 AMENDMENT
TO UNITED STATES SENTENCING GUIDELINES

No. 23-MC- 00004-22

ADMINISTRATIVE ORDER

Pursuant to 18 U.S.C. § 3006A(a)(1) and (c), the Office of the Federal Public Defender for the District of New Mexico (FPD) is hereby appointed to represent any criminal defendant who was previously determined to have been entitled to appointment of counsel, or who is now indigent, to determine whether that defendant may qualify for a reduction of sentence and to seek relief in accordance with 18 U.S.C. § 3582(c)(2) and the 2023 Criminal History Amendments to the Sentencing Guidelines, including Part A (Status Points under § 4A1.1) and Part B (Zero-Point Offenders), made retroactive by recent amendment. To the extent it is determined that the defendant may qualify for relief, FPD also is appointed to file an appropriate motion for relief. Should FPD determine that a prohibitive conflict exists in which the prospective client's interests are materially adverse to those of a current or former client, the Court shall be notified and the Court may appoint a member of the Criminal Justice Panel of this District to represent that particular defendant. Each motion for relief should be titled "Motion for Sentence Reduction Under Guideline Amendment 821."

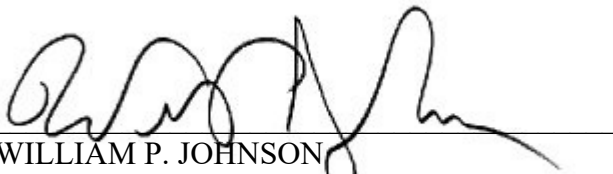
The United States Probation Office and the Clerk's Office for the District of New Mexico are authorized to disclose via CM/ECF Presentence Investigation Reports and Addenda, statements of Reasons, and Judgments to FPD/appointed defense counsel and the United States Attorney's Office for the District of New Mexico (USAO) for the purpose of determining a defendant's eligibility for relief under the amendments to the United States Sentencing Guidelines

referenced in this Order.

Defense counsel and USAO shall meet and confer in good faith before a motion is filed to determine whether any counseled defendant is entitled to relief according to the retroactive application of the relevant Guideline amendments. If the parties stipulate to relief, defense counsel shall file a joint motion for relief. If the parties cannot reach an agreement, defense counsel may file a contested § 3582 motion to reduce sentence, and USAO shall file a response within thirty days after the counseled motion is filed.

FPD plans to screen *pro se* criminal motions seeking relief under Guideline Amendment 821. Within ninety days after the *pro se* motion is filed, defense counsel will file: (1) an amended, counseled motion, if the defendant has a colorable claim for relief; or (2) a notice indicating FPD will not take action on behalf of the defendant. USAO shall file a response within thirty days after FPD/defense counsel files either a counseled motion or its notice.

IT IS SO ORDERED this 17th day of November 2023.


WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE